
A BILL FOR AN ACT

RELATING TO PROCUREMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to work towards
2 increasing transparency and accountability in state contracts by
3 establishing a task force to examine the issue of past
4 performance and establish the factors that should be considered
5 as part of due diligence when evaluating a contractor's past
6 performance for the purposes of awarding a contract under
7 chapters 103D and 103F, Hawaii Revised Statutes.

8 SECTION 2. (a) The state procurement office shall convene
9 a past performance task force to examine the issue of past
10 performance and establish the factors that should be considered
11 when evaluating a contractor's past performance for the purposes
12 of awarding a contract under chapters 103D and 103F, Hawaii
13 Revised Statutes.

14 (b) The task force shall consist of the following members:

15 (1) The administrator of the state procurement office, or
16 the administrator's designee, who shall serve as the
17 chair;



- 1 (2) The director of commerce and consumer affairs, or the
2 director's designee;
- 3 (3) The comptroller, or the comptroller's designee;
- 4 (4) The director of finance, or the director's designee;
- 5 (5) The director of health, or the director's designee;
- 6 (6) The director of human services, or the director's
7 designee;
- 8 (7) The director of public safety, or the director's
9 designee;
- 10 (8) The director of transportation, or the director's
11 designee;
- 12 (9) The president of the University of Hawaii, or the
13 president's designee;
- 14 (10) The superintendent of education, or the
15 superintendent's designee;
- 16 (11) The director of the department of design and
17 construction of the city and county of Honolulu, or
18 the director's designee;
- 19 (12) One representative from the General Contractors
20 Association of Hawaii; and



1 (13) One representative from the Subcontractors Association
2 of Hawaii.

3 (c) When establishing the factors to be considered in
4 evaluating a contractor's past performance, the task force shall
5 include but not be limited to:

6 (1) Evaluation processes required for all procurements to
7 be consistent across all chief procurement officers;

8 (2) Resources needed for agency implementation, including
9 agency rule promulgation, evaluation tool development,
10 and training for effective implementation;

11 (3) Identification of needed components of a centralized
12 database for past performance information collection
13 and retrieval;

14 (4) Criteria and standards to ensure that the evaluation
15 of past performance is conducted in an objective,
16 uniform manner, which includes standardized processes
17 for contractors to respond to the evaluation and
18 provides due process;

19 (5) Standardized processes to address subcontractor issues
20 as they impact on past performance;



1 (6) Identification of any other infrastructure needs

2 necessary for consideration of past performance; and

3 (7) Recommended legislation needed to implement task force
4 findings and recommendations.

5 (d) Task force members shall serve without compensation
6 but shall be reimbursed for all necessary expenses, including
7 travel expenses, which are incurred in the performance of their
8 duties as members of the task force.

9 (e) No member shall be made subject to chapter 84, Hawaii
10 Revised Statutes, solely because of that member's participation
11 as a member of the task force.

12 (f) The task force shall submit a report of its findings
13 and recommendations, including any proposed legislation, to the
14 legislature no later than twenty days prior to the convening of
15 the regular session of 2016.

16 (g) The task force convened pursuant to this Act shall
17 cease to exist on June 30, 2016.

18 SECTION 3. This Act shall take effect on July 1, 2030.



Report Title:

Procurement Code; Past Performance; Task Force

Description:

Establishes a past performance task force to establish the factors that should be considered when evaluating a contractor's past performance for the purposes of awarding a contract under Chapters 103D and 103F, Hawaii Revised Statutes. (HB1292 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

